TO THE PUBLIC.

*A CONTRADICTION OF*

**The Libel,**

UNDER THE SIGNATURE OF

"A RELATIVE,"

*PUBLISHED IN THE CANADIAN FREEMAN,*

OF THE 28TH FEBRUARY, 1828;

TOGETHER

WITH A FEW REMARKS,

*TRACING THE ORIGIN OF THE*

UNFRIENDLY FEELING WHICH

*ULTIMATELY LED TO THE UNHAPPY AFFAIR,*

TO WHICH THAT

LIBEL REFERS,

BY

**Samuel P. Jarvis.**

*14th March.*

1828.

PRINTED BY JOHN CAREY.

~~25,923~~

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# THE LIBEL.

## FOR THE CANADIAN FREEMAN.

### TO THE PUBLIC.

"I have, for a long time, intended to make known to the world the lamentable fate of the late youth, Mr. John Ridout, and the circumstances relating to his untimely end ;—for ten years, I have waited for a favorable opportunity to bring the matter forward—the hour has now arrived—and I shall not let it pass by—they have laid their own snare and let them be taken in their own toils."

"In a pamphlet, lately printed by the King's Printer, entitled a "Statement of Facts," &c. Samuel P. Jarvis, the destroyer of this lamented youth, endeavours to justify his conduct by stating that he "acted under a fatal necessity, which the condition of human society imposes, and surrendered himself unhesitatingly to the officers of Justice." In the U. E. Loyalist of the 16th inst. himself, or some one of his friends, again alludes to the same unfortunate transaction, under the signature of "A Subscriber," and makes the following assertion :—

"Mr Jarvis, though unfortunate, is known to have acted an honorable and upright part, and his subsequent conduct in surrendering himself to the officers of Justice, and enduring a long and painful imprisonment, which ended in a public trial, at which he was honorably acquitted by a jury of his country, has reflected that *credit upon his character*, which such calumniators as the Editors of the *Advocate* and *Freeman* can never injure."

"I cannot suffer the foregoing to pass unnoticed, and shall therefore contradict it in every sense of the word, as it is well known here that a great crime was committed, and that a mock trial followed. Thus has the murder of a boy served to be a boast, and to exalt the character of his slayer, and to reflect that "*credit*" upon him, which (as his friends say) no columinator can destroy. But truth can destroy it—and therefore, I have undertaken the painful task of submitting the following statement of facts upon this melancholy subject :—

"The following is a narrative of the life of the late John Ridout, and of the circumstances attending his untimely death, at the early age of eighteen years and six months, by a murder committed upon him by Samuel P. Jarvis, on the morning of the 12th July, 1817."

"John Ridout was born in this town, on the 9th January, 1799 ; when nine years old, his father took him to England, and sent him, as an out scholar, to the Blue Coat School, in London—in about six months after his father's return to this country, he begged that he might also return home—he did so—and went to school at Kingston, under Mr. Whitelaw."

"On the breaking out of the American War, in June, 1812, General Brock having taken much notice of him, appointed him midshipman in the Provincial Navy, and he served that year on Lake Ontario ;—he passed the following winter at home, doing duty here, on the capture of this town : in April, 1813, he was taken prisoner, but was suf-

fered to remain on parole for several months; in December of that year, one of his brothers was appointed Deputy Assistant Commissary General, and stationed at Cornwall, in the Eastern District of this Province. As soon as he took charge, being desirous to provide better for his brother John, than the prospects in the Provincial Navy afforded, he applied to Commissary General, Sir William Robinson, for a situation for him, and he was appointed a Commissariat Clerk, in February, 1814, at the age of fifteen years, and served with him during the remainder of the War. At that early age, he was so good a boy, and possessed such abilities, that he was placed in charge of a Depot, about 25 miles from Cornwall, where he supplied, in succession as they were cantoned, the 5th, 9th, and 81st Regiments for about three months."

"In June, 1815, the war being ended, and many establishments broken up, they were ordered to Quebec, where he served until August, 1816. At the great reduction of the Army about that time, he was discharged, with a gratuity of six months' pay, and a very kind and handsome letter from the Commissary General. He then once more returned home, with a happy heart, beloved by all who knew him, was articled as a student at law to his brother George, and faithfully performed his duty as he always had done, from the commencement of his early public career. But clouds were gathering around his youthful brow, and his beauteous form was soon to feel the *murderer's* blow. He who never had a quarrel or dispute with any of his companions, was soon to suffer from the malignant vengeance of an implacable enemy."

"In the early part of July, 1817, his brother George was conducting a suit in the Court of King's Bench against Mr. Secretary Jarvis, and in the course of process, it was necessary that Samuel P. Jarvis should prove the execution of a paper, signed by his father, which he had witnessed; accordingly, after calling several times, on Saturday, the 5th July, John met him at the office of the Secretary of the Province, and requested him to prove the execution of the paper in the Crown Office; he (Samuel P. Jarvis) became very indignant at this, abused John, and turned him out of the house. Nothing of this was known to his brothers; but on the Wednesday following, he met Samuel P. Jarvis and Mr. George Markland, walking in the Street opposite where Dr. Widmer's house was then building, and attacked him for his conduct on Saturday, which had been so unprovoked; struck him, or both struck at the same time, John saying that he was his match in the open street, although he (Jarvis) had taken advantage of him in his father's house, surrounded by his clerks. During the contest, Jarvis seized a large stone, in order to hurl it at John's head, but he caught his arm, and they were separated. This conduct arising from the wounded feelings of a youth of 18, cannot be considered extraordinary or improper, when his antagonist was 7 years his superior in years, and had given so much provocation."

"When his brother T. G. Ridout heard of the affair and that his brother George had gone to Jarvis, and taken the whole upon himself, as it was in his service poor John met the insult, he considered

that with respect to John, it would end there, as he was only a youth and a student at law, and the other 25 years old, and a barrister of the court. But in this he was mistaken.

On Thursday the 10th July, Samuel P Jarvis went up Yonge-street, on pretence of accompanying his Grand Father, Dr. Peters, to Lake Simcoe; but he only went as far as Dye's Tavern, 12 miles from town, and remained there until Friday afternoon, when he came in to a party at Chief Justice Powell's. On the same afternoon, Mr. Henry John Boulton, then 23 years of age and acting Solicitor General, delivered a challenge at Mr. Small's to John Ridout who agreed to meet Jarvis, at Emsly's farm, the next morning, at day light, about which time, John, accompanied by James E Small, then a youth of 19 years of age, and a half, and a student at Law, went out to the field. It being too early, John lay down on a log and slept at intervals until the break of day, at three o'clock, at which time, they saw Jarvis and Boulton coming towards them; they met, the ground was marked at eight paces distance; by mistaking the second word (owing to a stronger emphasis being placed upon it by H. J. Boulton) for the third, John fired—perceiving his error, he immediately ran up to Jarvis, and said, "O Jarvis, I hope I have not hurt you"—his reply was go back to your ground, d——n you Mr. Small here interfered, and wished the matter settled amicably; but they would not. Mr. Small then insisted that John should not be unarmed, but allowed to re-load his pistol—that was over-ruled by Henry J. Boulton and Jarvis, and Boulton decided that he must stand his ground and receive a shot without returning it. John took his ground saying "if it must be so it must." He stood unarmed as he was, Jarvis fired, saying "there d——n you." John fell, crying "oh! you have killed me, it was foul play" At that awful moment, a clap of thunder rent the skies, and lightning flashed, and the rain came down in torrents. After a few minutes, he spoke, and held out his hand, saying "Jarvis I forgive you" After a little while, John fainted—Henry J. Boulton approached him, and with his foot stirred his body—yes, put his foot on the sacred body of a gallant boy, and said, let us go he is dead. The three then fled to town, leaving the dear youth alone in the agonies of death vomiting up blood.

"I believe Mr. Small went or sent to George Playter, the Deputy Sheriff, and D Forest, and sent them out to the field. George Playter was the first who arrived; it was then raining with thunder and lightning; he found John who was then, and had been lying in a pool of blood and water. When he saw Playter, he stretched out his hand and said, "Is that you Playter, where is James Small? Where is Jarvis and Boulton? ah, it was foul play." D. Forest then came up with a carriage—John was put into it—and expired as they came opposite Dr. Macaulay's house, his last words being "I forgive him, I forgive him.—Tell my dear mother not to grieve or lament for my early death, for I am happy, in a few minutes I shall meet my dear sister Sally in Heaven, then he said I forgive Sam Jarvis, I forgive him." Thus ended this heart rending scene."

"Now for a moment consider the ages of the parties, and their standing in society, who thus acted in this tragedy, and it will be seen that it was not an affair between boys and giddy youths, as has been industriously represented to all the new inhabitants of this town;—they stood as follows:"

"Samuel P. Jarvis, aged 25 years, a barrister at law and Deputy Secretary of the Province."

"Henry J. Boulton, 28 years, acting Solicitor General."

"James E. Small, 19 and a half years, student at law."

"John Ridout, 18 and a half years, student at law."

"Such was the disparity."

"Samuel P. Jarvis then went home, and the Sheriff that morning *took him out of a root cellar*, where he had concealed himself. To shew the light in which even his own father viewed this horrible affair, when he saw him he said, "O Sam how could you kill that darling boy the flower of his family?" He was his god-father."

"The Coroner's Inquest then was held at D. Forest's Tavern, during the sitting of which, Henry J. Boulton walked down the main street towards Forest's Hotel, cool and apparently unconcerned, and asked some body, how all this happened, who were the parties, &c. as if he knew nothing about it. The jury brought in a verdict of *murder* as appears by the annexed copy of their inquest."

*(Copy of the Coroner's Inquest.)*

"An inquisition indented and taken for our Sovereign Lord the King, at York in the County of York, and Home district, of the Province of Upper Canada, the twelfth day of July, one thousand eight hundred and seventeen, before me, Thos. Hamilton, Coroner, of our said Lord the King, for said District, on view of the body of John Ridout, then and there lying dead, upon the oath of Thos. Stoyell and fellow jurors, good and lawful men of said District, being duly sworn and charged to enquire for our Sovereign Lord the King when, where, and by what means the said John Ridout came to his death, do on their oaths say, that the said John Ridout and one Samuel P. Jarvis, did disagree and for some time did quarrel, until at length they the Said John Ridout and the said Samuel P. Jarvis did challenge each other to end their dispute by fighting, and that the said Samuel P Jarvis not having the fear of God before his eyes, but moved and seduced by the instigation of the Devil, on the twelfth day of July, in the year aforesaid, with force and arms, in a field commonly called Elmsley Field, in the Township of York aforesaid, did make an assault, and that the said Samuel P. Jarvis with a certain pistol of the value of 10 shillings, charged with gunpowder, and a leaden bullet, which he then and there held in his right hand, to &

against the body of him, the said John Ridout, did then and there shoot off and discharge, by means whereof, he the said Samuel P. Jarvis, feloniously, wilfully, and of his malice aforethought, did then and there give unto him the said John Ridout, with the leaden bullet aforesaid, so as aforesaid shot off and discharged out of the pistol aforesaid, by force of the gunpowder aforesaid, in and upon the right shoulder of him the said John Ridout, one mortal wound penetrating the shoulder, neck, and jugular vein, from thence to the wind pipe of him the said John Ridout, of which mortal wound, he the said John Ridout, then and there instantly died, and so the jurors aforesaid, on their oath aforesaid, do say, that the said Samuel P. Jarvis, him the said John Ridout, in the manner and form aforesaid feloniously, wilfully, and of his malice aforethought, did kill and murder against the peace of our Lord the King, his Crown and Dignity."

"And the jurors aforesaid, upon their oath aforesaid, do say that Jas. E. Small and Henry J. Boulton, both of the same place, gentlemen, at the time of the doing and committing of the murder aforesaid, feloniously were present, abetting aiding, assisting, and maintaining the said Samuel P. Jarvis, to kill and slay the said John Ridout, in manner aforesaid, against the peace of our said Lord the King, his Crown and Dignity; to which the Coroner as well as the jurors aforesaid have hereto set their hands and seals the day and year above mentioned."

(Signed) THOMSAS HAMILTON, Coroner,
(Signed) THOS. STOYELL, Foreman, and others.
(True copy.) (Signed.) T. HAMILTON, Coroner.

"Jarvis was committed to prision, James Small fled to the United States, Henry J Boulton remained in York, attending to his office, and the verdict of the Coroner's inquest was handed over to Judge Boulton, then Attorney General, with the evidence, in writing: a Habeas Corpus was applied for in behalf of Jarvis; but John's father remonstrating in strong terms, Jarvis remained in gaol until the October assizes, with the exception of the evening of the 12th of August, when his father died, and he was allowed to visit him."

"In the mean time John's father sent out Mr. Alex. Stewart as far as Albany, to bring in James Small to give evidence, he came back with him, but refused to be a witness, and was put in gaol, where he remained until the Court was over, and was then discharged, untried, in consequence of the Grand Jury having found a bill of manslaughter only, notwithstanding the Coroner's inquest had found it *murder*. Dr. Powell, soon after brother-inlaw to Samuel P. Jarvis, was on the Grand Jury."

A RELATIVE.

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"*Samuel P. Jarvis*—Above is the heart-rending detail of the slaughter of one of the finest youths then in Upper Canada by this hardened desperado. It is a simple tale of woe—written by a relative of the deceased, and published by his request, to ease the bosoms that have long throbbed with silent sorrow.—Had Jarvis observed

that caution that would become his situation, and not turned out as the leader of a lawless band of official desperadoes—this exposure of his bloody deed would never have appeared.—But when we see him acting the braggadocio, and following up a course that puts all law both human and divine at defiance—when we see palliating histories of his crimes published by the authority of the Executive government in the official paper—when we see him elevated to office, and swaggering through the streets, before an insulted community, arm in arm with Attorney Generals and Judges, instead of standing at the bar of justice before these officers, to atone for his high crimes—when he and friends have the effrontery to endeavour to stigmatise the *Freeman* as a "calumniator," for speaking the truth—then we think it is high time for the *Freeman* to put him and his faction at defiance, and to bring out facts that will make them hide their heads. Let Jarvis and Boulton now come on, and account to a Christian community, *if they can*, for the innocent blood they have shed—Let Henry Boulton show how it was that he a settled man of 28 or 30—that he, the acting Solicitor General of Upper Canada—that he, the second legal adviser of the Crown, in this colony—was so unmanly—so base—so unprincipled in the first place as to carry a challenge to a boy of 18 years of age!—Let Henry Boulton show how it was that he, so void of honor and manliness as to allow himself to be kicked out of a public office, without resenting it, was the first to lead to a field of slaughter, like a lamb to the shambles, an innocent youth of 18 years, to have him butchered according to the rules and principles of honor!—rules and principles, of which himself appears to be so grossly ignorant and utterly regardless!—Let Henry Boulton show upon what principle of honor, he, over-ruled Mr. Small, and compelled this boy to stand *unarmed* within *eight paces* of his cold blooded destroyer, to be shot down like a target?—Let Henry Boulton, as he is a lawyer, give a reason, or show, why he should not have long since been hanged by the neck *like a dog*, for this conduct—Again let desperado Jarvis come out, and answer for the blood of Mr. Ridout's child—let him show why he assaulted an unoffending boy, much his inferior in years and strength, in the first place—let him shew how it was, after other ise insulting and abusing him, he thirsted like a tyger for his blood, and was the first to challenge—let him show how it was, that he, presuming to call himself a "man of character"—could use such ungentlemanly, such ruffianly, language in the field—let him show, how it was, if he had not murder seated in his heart, as it seems to us pictured on his brow, that when the heedless boy's pistol went off without injury, and that he ran up to him with open arms, he did not discharge his pistol in the air, and close hands with his father's god-child—Finally let old Judge Boulton come out, and tell when this murder was concerted, why he did not show that delicacy which he exhibited in Mr. Randal's case—and as he conducted the proceedings in which his son Henry stood charged with murder, let him shew, if he can, that there was a fair impartial trial! If they cannot answer these questions satisfactorily, it is but right that the truth should come out and that the country should know the real character of the men who enjoy the patronage and confidence of our Colonial Government.

*A Contradiction of the Libel published in the Canadian Freeman, of the 28th February, 1828, under the signature of "A Relative."*

The Canadian Freeman of the 28th of February I perused on the afternoon of that day, and on the first of March I addressed the following letter to James Fitzgibbon. Esq.

York, 1st March, 1828.

My Dear Sir—

In the Freeman of the 28th of last month I have noticed an article under the signature of "A Relative" which purports to give to the world a circumstantial account of a Duel, in which I was unhappily engaged, some ten or eleven years ago.

The principal, indeed the only, object the writer seems to have, is the gratification of a deep and implacable feeling of hatred and revenge towards me.

As the article alluded to, is as replete with base unmanly and extravagant falsehoods as perhaps, could have been invented and uttered, by the most hardened, unprincipled and abandoned wretch in existence—and as the statements, (if true) should drive me out of the pale of all respectable—indeed of all civilized society; I feel it necessary however painful it is, and however humiliating it may appear in the eyes of the public, to come openly forward, and in direct and specific terms, contradict what is alleged against me by this malignant and anonymous scoundrel.

It suggests itself to my mind, that to do this most properly, and at the same time most effectually, it would be advisable to call upon the two seconds to confirm or deny the account given by the "Relative," and it will afford me peculiar satisfaction to have you, (in company with some other gentleman) wait on Mr. Boulton and Mr Small for that purpose.

I am my dear sir,
yours very faithfully,
SAMUEL P. JARVIS.

Col. Fitzgibbon, &c. &c. &c.

5th March, 1828.

My Dear Sir—

Messrs. Henry John Boulton, and James E. Small, have met. in presence of Mr. Wm. B. Jarvis and me, and the result of our conference has been the accompanying papers, numbered one and two.

No. 1 is a contradiction of the false statements made in the paper published in the Canadian Freeman, signed "A Relative"—and No. 2 is a detailed statement of the circumstances which attended the duel.

Considering the nature of the attack which has been made upon you, I did not hesitate to comply with your request. Indeed I think it due to the community, that every man should now exert himself to protect individual character from the attacks of unprincipled and wicked men.

I remain dear sir,
very truly yours,
JAMES FITZGIBBON.

Samuel P. Jarvis, Esq. &c. &c. &c.

No. 1—On the 5th of March, Inst. (1828) Messrs. H. J. Boulton, and James E. Small, met by request, in the presence of Messrs. James Fitzgibbon, and William B. Jarvis, when the following statement, intended to contradict an article which appeared on the 28th ultimo in the Canadian Freeman, under the signature of "A Relative" was produced and read to Mr. Small, and an appeal was made to him to confirm its correctness, when he declared that there was no material part of it, which he could contradict, and that the minor parts which he could not confirm, he admitted may be quite correct, but that he could not then recall them to his memory.—viz.

*That Mr. Samuel P. Jarvis was not in York from the afternoon of the day on which he was assaulted by Mr John Ridout in the street, until the tenth of the month of July.

*That Mr. Boulton was not at the time of the duel 28 years of age, he having attained, not three weeks before, the age of 27 years.

That Mr. Boulton was not at the time of the duel, acting Solicitor General, nor was he appointed to that office until the 11th March, 1818, the year following—nor was he in any manner connected with the Government.

That Mr. Ridout having understood, that Mr. Jarvis intended calling upon him, desired Mr. Small to wait upon Mr. Jarvis and inform him, that he was ready to meet Mr. Jarvis at any time and place he would name—and that Mr. Boulton afterwards waited upon Mr. Ridout at Mr. Small's for the same purpose, and the meeting &c. were arranged.

That, that part of the said article that declares that Mr. John Ridout fired by mistaking the second word for the third,

(*This Mr. Small cannot say of his own knowledge.)

(owing to a stronger emphasis being placed on the second word by Mr. Henry John Boulton) is wholly false and untrue, in as much, as the signal was given by Mr. Small, and not by Henry John Boulton.

That the words stated, and declared to have been used by Mr. Jarvis to Mr. John Ridout, when Mr. Ridout fired—viz. "go back to your ground damn you," are utterly false and untrue.

That Mr. James Small never interfered with a view to an amicable settlement between the parties, after, or before they arrived on the ground.

Neither did Mr John Ridout on retaking his ground, declare (as it is stated) "if it must be so it must;" but on the contrary, Mr. Ridout fully acquiesced in the decision of Mr. Small and Mr. Boulton, on the justness of Mr. Jarvis being allowed his fire.

Neither did Mr. Jarvis (as it is stated) make use of the expression, "there damn you," when he fired.

That the statement, that Mr. Ridout fell crying, "Oh you have killed me, it was foul play," is wholly untrue and false, in as much as Mr. Ridout did not fall, but was supported for some time after he received his wound - shook hands with all parties present, fully forgave Mr. Jarvis, and declared "if Jarvis had not shot him, he might have shot Jarvis," & never intimated that there was any thing unfair, but expressed himself satisfied with the conduct of all the parties.

That there was not at this moment thunder and lightning or rain, as stated in the article signed "A Relative."

That it is utterly false and untrue, that Mr. Boulton touched or stirred Mr. Ridout with his foot, after he was supposed to be dead, as is stated to be the case.

That there is no foundation for the assertion that Mr. John Ridout declared to Mr. Playter, "ah Playter, it was foul play." in as much as Mr. Ridout expressed himself quite to the contrary while the parties remained with him.

Certified. { JAMES FITZGIBBON.
{ WM. B. JARVIS.

No. 2—

The following, purporting to be a statement of the leading, or most important circumstances attending the duel, between Mr Samuel P. Jarvis, and Mr. John Ridout, was submitted and read to Mr. Henry John Boulton, and Mr. James E. Small, and agreed to in our presence—viz.

On the afternoon of the 11th July, 1817, Mr. Small called

at the request of Mr John Ridout, upon Mr Samuel P. Jarvis, to say that Mr John Ridout had understood, that Mr. H. J. Boulton had been in search of him, and that imagining Mr. B. was the bearer of a message from Mr. Jarvis, he had called to say that Mr. John Ridout was ready to afford Mr. Jarvis a meeting whenever Mr. Jarvis thought proper.

That Mr. Boulton afterwards called upon Mr. Small at old Mr. Small's house, and arranged the time and place of meeting; and that the following morning, at day-light, at Elmsley's farm, was appointed. *

Some time before day-light, the whole four persons met nearly opposite Dr. Macaulay's gate, as they were proceeding to the ground. They (all four) proceeded together, and arrived there about an hour before day-light. They remained a great part of the time in the barn, in consequence of the thunder and lightning, and occasional rain. Mr. Jarvis left the barn before day-light, and was absent for some time. Mr. Boulton, Mr. Small, and Mr. Ridout remained in the barn conversing in a friendly manner.—When day-light appeared preparation was made for the contest

Twelve paces were first proposed; but it was afterwards decided that the distance should be eight, on the suggestion of Mr. Ridout, who assigned as a reason, that he considered Mr. Jarvis a better shot than himself, and that at a short distance, they would be more upon an equality.

The ground was accordingly measured, and a space chosen between two stumps, before which each party would have stood—the larger of the two, being behind Mr. Ridout; but upon Mr Jarvis observing that the stumps would attract the eye, and aid the parties in taking aim, and consequently would be more likely to cause the fire to take effect, the ground was changed to an entire open space. It was agreed that the signal should be given by Mr. Small, which was to be 1, 2, 3, *fire*. At the word two, Mr. Ridout fired and moved from his ground—Mr. Small calledto him to resume his ground, and put a loaded pistol into his hand. On a consultation between Mr. Boulton, Mr. Small, and Mr. Ridout, it was considered by all three, that Mr. Jarvis should have his fire— the loaded Pistol was accordingly handed back by

(* r. Small is under the impression that Mr. Boulton called at his father's for the purpose of delivering a challenge to Mr. John Ridout, and not merely to fix the time and place.) H. J. B.

Mr. Ridout to Mr. Small, and the discharged one re-placed in his hands. Mr. Small then gave the word as originally agreed upon, 1, 2, 3, *fire*; and Mr Jarvis at the word *fire*, did fire, without deliberation, and without raising his arm until the word *fire*.

Mr. Ridout partly wheeled round but did not fall—all parties ran up to him—Mr. Jarvis threw his Pistol on the ground and said, "My God, what have I done." Mr. Ridout shook hands with all parties, and freely forgave Mr. Jarvis, and said, "if Jarvis had not shot him, he might have shot Jarvis."—There was a full expression of forgiveness on the one side, and sorrow and regret on the other. After this conversation Mr. Ridout fainted, and the parties supposing he was dead, left the ground.

No rain fell after the ground was measured during the stay of the parties in the field—and none of the expressions attributed to Mr. Jarvis, viz: "Go back to your ground damn you."—and when firing "there damn you," were ever uttered by him, or any thing like them. Mr. Jarvis when he perceived the nature of the wound, and what was likely to result from it, appeared much overcome and used many expressions of sorrow.

Neither did Mr. Ridout ever say, that there was foul play; on the contrary, Mr. Small asked Mr. Ridout if he was satisfied with his conduct, and he said perfectly, that it was all fair. Neither did Mr. Boulton ever stir the body of Mr. Ridout with his foot, all parties being too deeply affected by the melancholy sight, to indulge in such brutality. Every thing that took place on the ground, was with the full concurrence of Mr. Small and Mr. Boulton—neither of them insisting on one line of conduct instead of another.

What is above stated is correct from my initials—what is previously stated I was not present at.—H. J. B.

Certified. { JAMES FITZGIBBON.
{ WM. B. JARVIS.

York, 2nd March, 1828.

My Dear Sir.

If my recollection serves me right, you were present at an affray I had with the late Mr. John Ridout, in 1817, in the main street, near to where Dr. Widmer's house now stands

Will you have the goodness to inform me, in writing what you know, and saw of that affair.

The article under the signature of a relative, published in

the "Freeman" of the 28th ultimo, will, I am sure be a sufficient apology for putting you to this trouble.

I am yours, very truly,

SAML. P. JARVIS.

Col. Fitzgibbon.

REPLY.

York, 2d March, 1828.

My Dear Sir,

In answer to your note of this morning, relative to the affair you mentioned, I beg leave to acquaint you, that on the day on which that affray took place, I was passing down that street which leads from the Surveyor General's house towards Dr. Widmer's, where I saw a crowd assembled round some individuals who appeared to be in close conflict with each other. Unwilling to witness scenes of this description, I was passing on, but on observing the crowd opening towards me, I raised my eyes and saw the late Mr. John Ridout and you grappled together in close conflict. Mortified that two young gentlemen for whom I had a high respect, should so expose themselves in a crowd, I instantly ran to separate you, and seeing Mr. Robert Kerr present, I called upon him to assist me, when we with difficulty parted you, and I with much exertion compelled Mr. Ridout to accompany me to his brothers' office, to whom I gave him in charge.

I remain, Dear Sir,

Very truly yours,

JAMES FITZGIBBON.

Saml. P. Jarvis, Esq.

N. B.—The circumstance or rather words which took place in Mr. George Ridout's office, and which I did not state this morning in the foregoing note, I now subjoin since you express a wish for me to do so.

When I consider the nature of the attack which has been made upon you, I cannot withhold from you any fact within my knowledge, which you may think necessary to employ in your defence—they were as follows: on arriving at the office I found Mr. George Ridout in it, when I spoke to him to the following effect, viz:—"that I had just found his brother in "an affray with Mr. Saml. Jarvis in the public streets, and "that I had by force separated them and brought his brother "to him?" to which Mr. Ridout answered, saying, "*upon "my word Sir, I am very sorry you did!*" This surprised me a good deal, and I replied by formally bidding him a good morning.

J. F. G.

York, 11th March, 1828.

My Dear Sir,

In an article published in the "Canadian Freeman" of the 28th ultimo, under the signature of "A Relative," it is made to appear rather doubtful, whether I was or was not the first aggressor in an affray which I had early in the month of July, 1817, with the late Mr. John Ridout, at which you were present.

I shall feel much obliged by your stating in writing what you recollect of that transaction.

Believe me,
Yours very faithfully,
SAML, P. JARVIS.

The Hon. George Markland,
&c. &c. &c.

York, 13th March, 1828.

My Dear Sir,

In reply to yours I beg leave to state, that at this distance of time I cannot recall to mind the express words which were used at the meeting between yourself and the late John Ridout.

The following circumstances are, however, fresh in my memory.

We were walking arm and arm in King Street, near Dr. Widmer's, where we saw John Ridout coming towards us—when sufficiently near, he stepped up to you using some threatening language, and struck at you with a large stick, which blow I think was warded off—you then immediately closed with him, and a scuffle ensued, which ended in a separation by the persons around.

The attack was wholly unprovoked at the time, tho' apparently premeditated by the unfortunate deceased, whose assault took us both by surprise, at an unguarded moment, when we were engaged in conversation & unprepared for such violence.

I am your obedient servant,
GEO. H. MARKLAND.

Samuel P. Jarvis, Esq.

York, 13th March, 1828.

My Dear Sir,

Among the numerous falsehoods and misstatements contained in an article signed "A Relative," published in the Canadian Freeman, of the 28th ultimo, I notice the following: "On Thursday, the tenth of July, Samuel P. Jarvis went "up Yonge street on pretence of accompanying his grandfa-

"ther, Dr. Peters, to Lake Simcoe ; but he only went as far "as Dye's Tavern, 12 miles from Town, and remained there "until Friday afternoon, when he came in to a party at Chief "Justice Powell's."

You may, perhaps, recollect that I arrived at your house in Newmarket, in company with the Rev. Dr. Peters, on the evening of the 9th July, 1817—that I remained at your house that night, and on the following morning accompanied Doctor Peters to the Holland Landing, where he embarked in a Canoe for Drummond's island; and also that you accompanied me a part of the way on my return to York.

If you can bring these circumstances to your mind you will oblige me by doing so, and communicating them in writing at your earliest convenience.

I am, My dear Sir,

Yours very faithfully,

SAML. P. JARVIS.

The Hon. PETER ROBINSON.
&c. &c. &c.

## REPLY.

YORK, 14th March, 1828.

My Dear Sir,

In reply to your letter of yesterday requesting to know whether I recollected your having arrived at my house at New Market, in company with the Rev. Dr. Peters on the evening of the ninth of July, 1817, and of my having accompanied you on the following day, a part of the way on your return to town, I beg to say, that I remember perfectly the circumstance of your coming to my house about the period you mention, in company with the Rev. Dr. Peters, and also my riding with you, on your return to York, the following day, as far as Davis's on Yonge Street, (4 miles.)

I remain my dear sir,
yours very truly,
P. ROBINSON.

Samuel P. Jarvis, Esq.

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